

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Susan K. Duffy, Chair
Dwight D. Keen
Andrew J. French

In the matter of the failure of Bengalia Land) Docket No: 20-CONS-3130-CPEN
and Cattle Company (“Operator”) to comply)
with K.A.R. 82-3-111 at the K and G #1-27,) CONSERVATION DIVISION
Mott Trust #1-26, De Chant #2, Maxine #1-30,)
Nichols #2-32 and Wedel Trust 33 #3-33 in) License No: 33989
Finney County and Gray County, Kansas.)

PREHEARING OFFICER ORDER
GRANTING MOTION TO WITHDRAW REQUEST FOR HEARING
AND CLOSING DOCKET

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having reviewed the pleadings and record, the Prehearing Officer makes the following findings:

1. On November 5, 2019, the Commission issued a Penalty Order against Bengalia Land and Cattle Company (Operator) for six violations of K.A.R. 82-3-111 because six wells had been inactive in excess of the time allowed by regulation without being plugged, returned to service, or approved for temporary abandonment status.¹ On December 3, 2019, Operator requested a hearing.²
2. On July 1, 2020, Operator filed a motion to withdraw its request for hearing.
3. The Prehearing Officer finds Operator’s July 1, 2020, motion to be within the ambit of things a prehearing officer is allowed to rule upon,³ and finds no compelling reason to deny the motion. Operator should not be forced to contest a Penalty Order it does not wish to contest.
4. The Prehearing Officer finds that because no party remains to contest the Commission’s November 5, 2019, Penalty Order, further proceedings are unnecessary, and that

¹ See *Penalty Order*, ¶¶ 6, 11 (Nov. 5, 2019).

² See *Letter Requesting Hearing* (Dec. 3, 2019).

³ See *Order Designating Prehearing Officer and Setting Prehearing Conference*, ¶ 2; see also K.S.A. 77-517(b), K.S.A. 77-551(c).

closing this docket will not prevent Commission Staff from taking any appropriate or necessary administrative actions related to the Penalty Order.

THEREFORE, THE PREHEARING OFFICER ORDERS:

- A. Operator's motion is granted; its request for hearing shall be considered withdrawn.
- B. The status conference scheduled for July 2, 2020, is cancelled.
- C. This docket is closed.

BY THE PREHEARING OFFICER IT IS SO ORDERED.

Dated: July 1, 2020

/s/ Jonathan R. Myers
Jonathan R. Myers
Prehearing Officer

JRM

CERTIFICATE OF SERVICE

20-CONS-3130-CPEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 07/01/2020.

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/S/ DeeAnn Shupe
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